

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Amy J. St. Eve	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 1176	DATE	5/16/2008
CASE TITLE	Carlos-El vs. Divine, et al		

DOCKET ENTRY TEXT

Petitioner has filed a notice of appeal in this case. The Court declines to issue a certificate of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right or error with this Court's order dismissing his petition. *See* 28 U.S.C. § 2253(c) and Fed. R. App. P. 22(b).

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Petitioner, Walter Steven Carlos-El (#2007-0082858), currently incarcerated at Cook County Jail, filed a notice of appeal following the Court's dismissal of his 28 U.S.C. § 2241 petition challenging his pending state criminal proceedings. To the extent a certificate of appealability (COA) is required for his appeal, *see Stringer v. Williams*, 161 F.3d 259, 262 (5th Cir. 1998) (COA required for pretrial detainee appealing dismissal of a habeas challenge to state criminal proceedings); *but see Behr v. Ramsey*, 230 F.3d 268, 270 (7th Cir. 2000) (COA not required for state detainee appealing the dismissal of his § 2241 challenge to extradition procedures), a COA is not warranted in this case for the reasons stated by this Court in its March 5, 2008 and April 24, 2008 orders. (R. 5-1, 8-1.) Should Petitioner seek to pursue his appeal, he should submit to this Court an application to proceed *in forma pauperis* on appeal.

Courtroom Deputy
Initials:

TH